

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

2009 FEB 17

ORIGINAL

In re Matter of

NANTUCKET PUBLIC RADIO, INC.)
)
FM Translator W300BE)
Channel 300, Vineyard Haven, Massachusetts)
(Input Channel: WNCK(FM), Nantucket, MA))

Facility Id. No. 140919

To: Secretary, Federal Communications Commission
Forward to Chief, Audio Services Division
Media Bureau

FILED/ACCEPTED

FEB 12 2009

Federal Communications Commission
Office of the Secretary

Request for Dismissal and Termination

Nantucket Public Radio, Inc., ("NPR") and AMFM Radio Licenses, L.L.C. ("AMFM"), by their respective counsel, hereby submit this Request for Dismissal and Termination with respect to the interference complaint AMFM filed against W300BE. The parties have arrived at a technical solution that resolves the interference complaint to the satisfaction of NPR, AMFM and the three complainants. The parties request the FCC dismiss the pleadings filed and terminate this proceeding.

By way of background, NPR is the licensee of W300BE, licensed to Vineyard Haven, Massachusetts. AMFM is the licensee of WXKS-FM, Medford, Massachusetts. WXKS-FM and W300BE operate co-channel to one another. On June 2, 2008, AMFM filed a Complaint with the Commission, asserting that W300BE is causing interference to the reception of WXKS-FM. NPR filed an Opposition to the interference complaint on June 16, 2008. AMFM, in a letter of counsel dated June 27, 2008, stated to NPR that it had no objection to joint interference testing.

On September 23, 2008, FCC staff directed NPR to eliminate any actual interference W300BE causes to the over-the-air reception of WXKS-FM.¹

Representatives of NPR and AMFM discussed potential technical solutions and concluded that a reduction in power for W300BE would solve the problem. On October 9, 2008, NPR reduced power from 27 watts to 9 watts as a test and its consulting engineer monitored the signal of W300BE and WXKS-FM. He felt there was a cessation of interference resulting from the power reduction. On October 16, 2008, an AM/FM representative, the Chief Engineer of WXKS-FM, traversed the area where the three complainants claimed to have received interference. This AMFM representative informed NPR that the reduction in power was acceptable and resolved the problem from his perspective.

The NPR representative contacted the three complainants to confirm that the reduction of power by W300BE eliminated the interference problem. Each complainant concurs that the reduction in power by W300BE has eliminated the interference problem and agrees to withdraw their interference complaint.² NPR has not received interference complaints from any other party. The successful resolution and withdrawal of the interference complaints brings this matter to a successful conclusion for the parties involved.³ Accordingly, the FCC should terminate this proceeding and dismiss the pleadings.

WHEREFORE, for the forgoing reasons, Nantucket Public Radio, Inc. and AMFM Radio Licenses, L.L.C. requests that the Commission consider the AMFM Complaint resolved and terminate this proceeding.

¹ See *Nantucket Public Radio, Inc.*, File No. MISC-20080602BRH (Aud. Div.) (released Sept. 23, 2008).

² A copy of signed declarations from each complainant withdrawing their interference complaint is attached as Exhibit A.

³ NPR has filed and received FCC approval for a license to reduce the power for W300BE to 9 watts (File No. BLFT-20090121AAY).

Respectfully submitted,

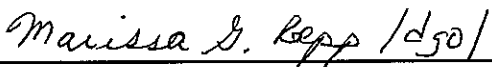
NANTUCKET PUBLIC RADIO, INC.

By: 
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(202) 955-3931

Its Attorney

AMFM RADIO LICENSES, L.L.C.

By:  /djo/
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Hogan & Hartson, L.L.P.
5455 Thirteenth Street, NW
Washington, D.C. 20004
(202) 637-6845

Its Attorneys

February 12, 2009

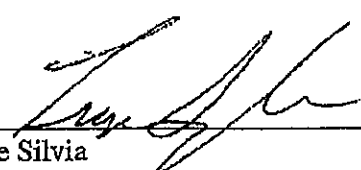
EXHIBIT A

**DECLARATIONS OF TROYE SILVIA,
MARK ANDERSON AND SHEILA SANTOS**

DECLARATION OF TROYE SILVIA

My name is Troye Silvia and I hereby submit this declaration with regard to my complaint that FM translator station W300BE caused interference to my reception of WXKS-FM. A representative of Nantucket Public Radio ("NPR"), the licensee of W300BE, contacted me to let me know that NPR has determined that reducing power for W300BE will eliminate the interference problem, and AMFM Radio Licenses concurs with this technical solution. After discussing the matter with the NPR representative, I am satisfied that this technical solution will work and hereby withdraw my interference complaint.

The following statement is hereby made under the penalty of perjury, and to the best of my information, knowledge, and belief, is complete and accurate.



Troye Silvia
24 Danvers Way
Hyannis, Massachusetts 02601
(508) 548-511

November 3, 2008

DECLARATION OF MARK ANDERSON

My name is Mark Anderson and I hereby submit this declaration with regard to my complaint that FM translator station W300BE caused interference to my reception of WXKS-FM. A representative of Nantucket Public Radio ("NPR"), the licensee of W300BE, contacted me to let me know that NPR has determined that reducing power for W300BE from 27 watts to 9 watts will eliminate the interference problem, and AMFM Radio Licenses concurs with this technical solution. After discussing the matter with the NPR representative, I am satisfied that this technical solution will work and hereby withdraw my interference complaint.

The following statement is hereby made under the penalty of perjury, and to the best of my information, knowledge, and belief, is complete and accurate.



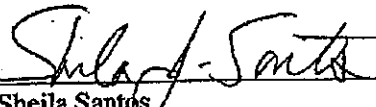
Mark Anderson
31 Winston Avenue
Bourne, Massachusetts 02532
(774) 353-7216

November 14, 2008

DECLARATION OF SHEILA SANTOS

My name is Sheila Santos and I hereby submit this declaration with regard to my complaint that FM translator station W300BE caused interference to my reception of WXKS-FM. A representative of Nantucket Public Radio ("NPR"), the licensee of W300BE, contacted me to let me know that NPR has determined that reducing power for W300BE from 27 watts to 9 watts will eliminate the interference problem, and AMFM Radio Licenses concurs with this technical solution. After discussing the matter with the NPR representative, I am satisfied that this technical solution will work and hereby withdraw my interference complaint.

The following statement is hereby made under the penalty of perjury, and to the best of my information, knowledge, and belief, is complete and accurate.



Sheila Santos
65 Telegraph Hill
West Falmouth, Massachusetts 02574
(508) 548-6011

November 20, 2008

CERTIFICATE OF SERVICE

I, Christopher T. Worrells, hereby certify that a true and correct copy of the foregoing "Request for Dismissal and Termination" was sent via first class mail, postage prepaid this 12th day of February 2009 to the following persons:

James Bradshaw*
Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554

William Wilson*
Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554



Christopher T. Worrells

* Copy sent via e-mail in addition to hand served copy.